

REMARKS/ARGUMENTS

Reconsideration and allowance of this application are respectfully requested.
Currently, claims 2-9, 11-22, 24-28, 30-32 and 34-35 are pending in this application.

Rejection Under 35 U.S.C. §103:

Claims 2-9, 11-22, 24-28, 30-32, 34 and 35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shimizu et al (EP 0987423 A2) in view of Schofield et al (U.S. 6,294,989 B1) in further view of admitted prior art. Applicant respectfully traverses this rejection.

Page 4, lines 1-5 of the Office Action states that “applicant admits the prior art discloses a relationship between said malfunction information and said selected condition of one of said plurality of malfunction-information storing objects being different from that of another one of said plurality of malfunction-information storing objects on lines 16-25, on page 4 of the specification.” This statement is incorrect.

First, there is no explicit or implicit admission that page 4, lines 15-25 of the specification is applicant admitted prior art. If there is disagreement on this point, Applicant respectfully requests that the next Office Action specifically point out what portion of the specification (i.e., what page and line number(s) of the specification) admits that page 4, lines 15-25 of the specification is prior art. Applicant submits that there is no admission, either explicitly or implicitly.

Second, if page 4, lines 15-25 of the specification were admitted prior art, Applicant submits that the admission would reflect the teachings of Japanese unexamined patent publication no. 7-190897 (corresponding to U.S. patent no. 5,671,141) which is specifically identified on page 3, lines 4-7 of the specification. However, nothing in

either of these documents teaches or suggests anything regarding the above noted claim limitation. If there is disagreement on this point, Applicant respectfully requests that the next Office Action specifically point out which portion (i.e., which Fig(s). and/or which col. and line number(s)) of JP Publication No. 7-190897 and/or U.S. patent no. 5,671,141 discloses the above noted claim limitation.

Third, page 4, lines 15-25 of the specification describes disadvantages of related art and the desirable operation of exemplary embodiments of the present invention proposed by the inventors, rather than admitted prior art. In particular, the summary of the invention section of the present application explicitly states “The present invention addresses the disadvantages discussed in the above sections (1)-(3)...(emphasis added).” (See page 7, lines 6-8 of the specification). Moreover, the detailed description of the invention section of the application states “Thus, the reusability of the self-diagnosis program is improved, and the disadvantage discussed in the above section (1) can be dissolved,” (see page 26, lines 5-7), “Because of this reason, the reusability of the self-diagnosis program is improved, and the disadvantage discussed in the above section (2) can be dissolved,” (see page 27, lines 6-8), and “As a result, the reusability of the self-diagnosis program is improved, and the disadvantage discussed in the above section (3) can be dissolved,” (see page 27, lines 19-21). These portions of the specification thus describe that sections (1)-(3) (page 4, lines 15-25 of the specification is part of section (1)) are not prior art, but rather disadvantages overcome by the desired operation of the present invention.

Page 4, lines 15-25 of the specification is thus not applicant admitted prior art as alleged in the Office Action. Rather, this section of the specification discusses the

disadvantages of related art and the desirable operation of the MIL proposed by the inventors of the present application which is not taught by the prior art, e.g., Japanese Unexamined Patent Publication No. 7-190897 (corresponding to U.S. Patent No. 5,671,141). Neither JP Publication No. 7-190897 nor U.S. Patent No. 5,671,141 teaches or suggests anything about the feature discussed in the above identified section of the specification. Also, there is no explicit or implicit admission that page 4, lines 15-25 of the specification constitutes prior art. Indeed, other portions (see page 7, lines 6-8, page 26, lines 5-7, page 27, lines 6-8 and 19-21) of the specification explicitly disclose that sections (1)-(3) describe disadvantages of related art which are addressed by example embodiments of the present invention. Page 4, lines 15-25 of the specification are included in section (1).

Even if the teachings of Shimizu and Schofield and page 4, lines 15-25 of the specification (which again does not disclose prior art) were combined as proposed by the Office Action, the combination would not have taught or suggested all of the claim limitations. For example, the combination would not have taught or suggested “a relationship between said malfunction information and said selected condition of one of said plurality of malfunction-information storing objects being different from that of another one of said plurality of malfunction-information storing objects,” as required by independent claim 35. Similar, but not necessarily identical, comments apply to independent claims 7, 11, 14, 20 and 24.

To provide even further clarification that the teachings provided on page 4, line 16-25 of the specification do not constitute prior art, this portion of the specification has been moved into the section of the application labeled “Detailed Description of the

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Invention.” Applicant submits that no new matter has been added and no new issues have been raised since the teachings has merely been moved to another portion of the application and the teachings are clearly supported by page 4, lines 16-25 of the originally-specification.

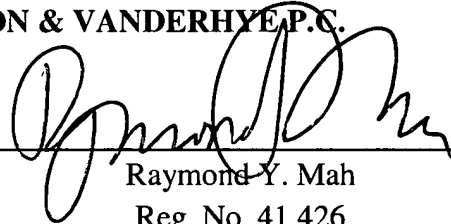
Conclusion:

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____

A handwritten signature in black ink, appearing to read 'Raymond Y. Mah', is written over a horizontal line.

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